

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DANIEL L. BENKE,
Plaintiff,

v.

M. BITER, et al.,
Defendants.

Case No. [20-cv-09401-HSG](#)


ORDER OF DISMISSAL

On December 29, 2020, Plaintiff filed the instant *pro se* complaint under 42 U.S.C. § 1983. Dkt. No. 1. On March 19, 2021, the Court reviewed the complaint and found that it failed to state a cognizable claim for relief. Dkt. No. 10. The Court granted Plaintiff leave to amend the complaint, and informed Plaintiff that the failure to file an amended complaint in the time provided would result in the dismissal of this action without further notice. *Id.* The deadline to file an amended complaint has passed, and Plaintiff has not filed an amended complaint.

Accordingly, for the foregoing reasons, and the reasons stated in the Court's March 19, 2021 order of dismissal with leave to amend, this action is **DISMISSED** for failure to state a claim upon which relief may be granted. The Clerk shall close the file.

IT IS SO ORDERED.

Dated: 5/14/2021


HAYWOOD S. GILLIAM, JR.
United States District Judge